

# Exhibit D

**From:** Ong, Andrew AOng@goodwinlaw.com   
**Subject:** RE: TQ Delta, LLC v. CommScope Holding Company, Inc. et al., Civ. No. 2:21-cv-00310-JRG (E.D. Tex.) -Response to Letter re Judgment  
**Date:** April 8, 2024 at 5:06 PM  
**To:** Peter McAndrews PMCANDREWS@mcandrews-ip.com, Schuman, Brett BSchuman@goodwinlaw.com  
**Cc:** Barton, Ross Ross.Barton@alston.com, Stevens, Scott Scott.Stevens@alston.com, Marais, Nic Nic.Marais@alston.com, Anthony Bruster akbruster@brusterpllc.com, Ed Chin ed@brusterpllc.com, Rajendra A. Chiplunkar RChiplunkar@mcandrews-ip.com, DG-TQDelta-2Wire DG-TQDelta-2Wire@goodwinlaw.com

Hi Pete,

Craig Lytle and I can be available at that time tomorrow to discuss.

Thanks.

Andy

---

**From:** Peter McAndrews <PMCANDREWS@mcandrews-ip.com>  
**Sent:** Monday, April 8, 2024 12:59 PM  
**To:** Ong, Andrew <AOng@goodwinlaw.com>; Schuman, Brett <BSchuman@goodwinlaw.com>  
**Cc:** Barton, Ross <Ross.Barton@alston.com>; Stevens, Scott <Scott.Stevens@alston.com>; 'Marais, Nic' <Nic.Marais@alston.com>; Anthony Bruster <akbruster@brusterpllc.com>; 'Ed Chin' <ed@brusterpllc.com>; Rajendra A. Chiplunkar <RChiplunkar@mcandrews-ip.com>; DG-TQDelta-2Wire <DG-TQDelta-2Wire@goodwinlaw.com>  
**Subject:** RE: TQ Delta, LLC v. CommScope Holding Company, Inc. et al., Civ. No. 2:21-cv-00310-JRG (E.D. Tex.) -Response to Letter re Judgment

\*\*\*EXTERNAL\*\*\*

Andy,

We are available to meet and confer tomorrow (Tuesday, 4/9) at 1pm CT / 11am PT. Please confirm your availability and we will send an invite with dial-in instructions.

We expect that you will be prepared to confirm that the Defendants will or will not be posting a supersedeas bond or making payment on the judgment immediately. Please also be prepared to discuss Defendants position on the pre- and post-judgment interest calculations and, if a bond is being posted, the amount and the parties for whom the bond is being posted.

Thanks,  
Pete

  
**McAndrews**  
Peter McAndrews  
Shareholder / Attorney at Law  
McAndrews, Held & Malloy, Ltd.  
500 W. Madison St., 34th floor | Chicago, IL 60661  
P: 312-775-8000

[pmcandrews@mcandrews-ip.com](mailto:pmcandrews@mcandrews-ip.com)  
[bio](#) | [v-card](#) | [website](#)

**CONFIDENTIALITY NOTICE:**

This material is intended for the named recipient and, unless otherwise expressly indicated, is confidential and privileged information. Any dissemination, distribution or copying of this material is prohibited. If you received this message in error, please notify the sender by replying to this message and then deleting it from your system. Your cooperation is appreciated.

---

**From:** Peter McAndrews <[PMcANDREWS@mcandrews-ip.com](mailto:PMcANDREWS@mcandrews-ip.com)>

**Sent:** Friday, April 5, 2024 2:06 PM

**To:** 'Ong, Andrew' <[A Ong@goodwinlaw.com](mailto:A Ong@goodwinlaw.com)>; Schuman, Brett <[BSchuman@goodwinlaw.com](mailto:BSchuman@goodwinlaw.com)>

**Cc:** Barton, Ross <[Ross.Barton@alston.com](mailto:Ross.Barton@alston.com)>; Stevens, Scott <[Scott.Stevens@alston.com](mailto:Scott.Stevens@alston.com)>; 'Marais, Nic' <[Nic.Marais@alston.com](mailto:Nic.Marais@alston.com)>; Anthony Bruster <[akbruster@brusterpllc.com](mailto:akbruster@brusterpllc.com)>; 'Ed Chin' <[ed@brusterpllc.com](mailto:ed@brusterpllc.com)>; Rajendra A. Chiplunkar <[RChiplunkar@mcandrews-ip.com](mailto:RChiplunkar@mcandrews-ip.com)>; DG-TQDelta-2Wire <[DG-TQDelta-2Wire@goodwinlaw.com](mailto:DG-TQDelta-2Wire@goodwinlaw.com)>

**Subject:** RE: TQ Delta, LLC v. CommScope Holding Company, Inc. et al., Civ. No. 2:21-cv-00310-JRG (E.D. Tex.) -Response to Letter re Judgment

Andy,

Do your clients intend to post a bond or not? If the answer is, no, which appeared implicit in your failure to respond to my multiple attempts to meet and confer, then I don't know what we'd be conferring about.

So please let us know immediately, yes or no, are your clients posting a bond?

If the answer is yes, we'd like to meet and confer immediately this afternoon. Let us know your availability.

Thanks,  
Pete

  
**McAndrews**  
Peter McAndrews  
Shareholder / Attorney at Law  
McAndrews, Held & Malloy, Ltd.  
500 W. Madison St., 34th floor | Chicago, IL 60661  
P: 312-775-8000  
[pmcandrews@mcandrews-ip.com](mailto:pmcandrews@mcandrews-ip.com)  
[bio](#) | [v-card](#) | [website](#)

**CONFIDENTIALITY NOTICE:**

This material is intended for the named recipient and, unless otherwise expressly indicated, is confidential and privileged information. Any dissemination, distribution or copying of this material is prohibited. If you received this message in error, please notify the sender by replying to this message and then deleting it from your

system. Your cooperation is appreciated.

---

**From:** Ong, Andrew <[A Ong@goodwinlaw.com](mailto:A Ong@goodwinlaw.com)>

**Sent:** Friday, April 5, 2024 1:38 PM

**To:** Peter McAndrews <[PMCANDREWS@mcandrews-ip.com](mailto:PMCANDREWS@mcandrews-ip.com)>; Schuman, Brett <[BSchuman@goodwinlaw.com](mailto:BSchuman@goodwinlaw.com)>

**Cc:** Barton, Ross <[Ross.Barton@alston.com](mailto:Ross.Barton@alston.com)>; Stevens, Scott <[Scott.Stevens@alston.com](mailto:Scott.Stevens@alston.com)>; 'Marais, Nic' <[Nic.Marais@alston.com](mailto:Nic.Marais@alston.com)>; Anthony Bruster <[akbruster@brusterpllc.com](mailto:akbruster@brusterpllc.com)>; 'Ed Chin' <[ed@brusterpllc.com](mailto:ed@brusterpllc.com)>; Rajendra A. Chiplunkar <[RChiplunkar@mcandrews-ip.com](mailto:RChiplunkar@mcandrews-ip.com)>; DG-TQDelta-2Wire <[DG-TQDelta-2Wire@goodwinlaw.com](mailto:DG-TQDelta-2Wire@goodwinlaw.com)>

**Subject:** RE: TQ Delta, LLC v. CommScope Holding Company, Inc. et al., Civ. No. 2:21-cv-00310-JRG (E.D. Tex.) -Response to Letter re Judgment

**CAUTION: External Email From:** [A Ong@goodwinlaw.com](mailto:A Ong@goodwinlaw.com)

Hi Pete,

Please let me know some times on Tuesday and Wednesday next week that you are available to discuss the bond/security issue.

Thanks.

Andy

---

**From:** Peter McAndrews <[PMCANDREWS@mcandrews-ip.com](mailto:PMCANDREWS@mcandrews-ip.com)>

**Sent:** Friday, March 29, 2024 11:50 AM

**To:** Schuman, Brett <[BSchuman@goodwinlaw.com](mailto:BSchuman@goodwinlaw.com)>; Ong, Andrew <[A Ong@goodwinlaw.com](mailto:A Ong@goodwinlaw.com)>

**Cc:** Barton, Ross <[Ross.Barton@alston.com](mailto:Ross.Barton@alston.com)>; Stevens, Scott <[Scott.Stevens@alston.com](mailto:Scott.Stevens@alston.com)>; 'Marais, Nic' <[Nic.Marais@alston.com](mailto:Nic.Marais@alston.com)>; Anthony Bruster <[akbruster@brusterpllc.com](mailto:akbruster@brusterpllc.com)>; 'Ed Chin' <[ed@brusterpllc.com](mailto:ed@brusterpllc.com)>; Rajendra A. Chiplunkar <[RChiplunkar@mcandrews-ip.com](mailto:RChiplunkar@mcandrews-ip.com)>; DG-TQDelta-2Wire <[DG-TQDelta-2Wire@goodwinlaw.com](mailto:DG-TQDelta-2Wire@goodwinlaw.com)>

**Subject:** RE: TQ Delta, LLC v. CommScope Holding Company, Inc. et al., Civ. No. 2:21-cv-00310-JRG (E.D. Tex.) -Response to Letter re Judgment

\*\*\*EXTERNAL\*\*\*

Brett/Andy,

The Defendants' payment on the judgment or posting of a supersedeas bond will be two weeks late by Monday, April 1, and, despite the fact that we reached out regarding this issue three weeks ago, we have been unable to complete a meaningful meet and confer with Defendants' counsel responsible for addressing this issue, which I understand to be the Goodwin team.

I get that you may have other responsibilities or vacation travel, but we all have cell phones with email. Please let us hear from you on or before Monday, April 1, to schedule a meet-and-confer on the amount of the judgment (I've attached the email with TQ Delta's calculation) and, if a bond is to

be posted, when, in what amount, and on behalf of whom. If we don't hear from you, TQ Delta will have to assume that the Defendants are unwilling to confer on these issues and we will so inform the Court at the appropriate time.

Thanks,  
Pete



**Peter McAndrews**  
**Shareholder / Attorney at Law**  
McAndrews, Held & Malloy, Ltd.  
500 W. Madison St., 34th floor | Chicago, IL 60661  
P: 312-775-8000  
[pmcandrews@mcandrews-ip.com](mailto:pmcandrews@mcandrews-ip.com)  
[bio](#) | [v-card](#) | [website](#)

**CONFIDENTIALITY NOTICE:**

This material is intended for the named recipient and, unless otherwise expressly indicated, is confidential and privileged information. Any dissemination, distribution or copying of this material is prohibited. If you received this message in error, please notify the sender by replying to this message and then deleting it from your system. Your cooperation is appreciated.

---

**From:** Peter McAndrews <[PMcANDREWS@mcandrews-ip.com](mailto:PMcANDREWS@mcandrews-ip.com)>

**Sent:** Tuesday, March 26, 2024 11:54 AM

**To:** Schuman, Brett <[BSchuman@goodwinlaw.com](mailto:BSchuman@goodwinlaw.com)>; 'Ong, Andrew' <[Aong@goodwinlaw.com](mailto:Aong@goodwinlaw.com)>

**Cc:** Barton, Ross <[Ross.Barton@alston.com](mailto:Ross.Barton@alston.com)>; Stevens, Scott <[Scott.Stevens@alston.com](mailto:Scott.Stevens@alston.com)>; 'Marais, Nic' <[Nic.Marais@alston.com](mailto:Nic.Marais@alston.com)>; Anthony Bruster <[akbruster@brusterpllc.com](mailto:akbruster@brusterpllc.com)>; 'Ed Chin' <[ed@brusterpllc.com](mailto:ed@brusterpllc.com)>; Rajendra A. Chiplunkar <[RChiplunkar@mcandrews-ip.com](mailto:RChiplunkar@mcandrews-ip.com)>

**Subject:** RE: TQ Delta, LLC v. CommScope Holding Company, Inc. et al., Civ. No. 2:21-cv-00310-JRG (E.D. Tex.) -Response to Letter re Judgment

Brett/Andy,

We understand that you and one or more of the defendants are arranging for a bond to be posted this week. Please provide a time tomorrow that you'd be available to meet and confer on the bond particulars, including timing, amount, and parties for whom the bond is being posted.

Thanks,  
Pete



**Peter McAndrews**  
**Shareholder / Attorney at Law**  
McAndrews, Held & Malloy, Ltd.  
500 W. Madison St., 34th floor | Chicago, IL 60661  
P: 312-775-8000  
[pmcandrews@mcandrews-ip.com](mailto:pmcandrews@mcandrews-ip.com)  
[bio](#) | [v-card](#) | [website](#)

**CONFIDENTIALITY NOTICE:**

This material is intended for the named recipient and, unless otherwise expressly indicated, is confidential and privileged information. Any dissemination, distribution or copying of this material is prohibited. If you received this message in error, please notify the sender by replying to this message and then deleting it from your system. Your cooperation is appreciated.

---

**From:** Peter McAndrews <[PMcANDREWS@mcandrews-ip.com](mailto:PMcANDREWS@mcandrews-ip.com)>  
**Sent:** Friday, March 22, 2024 1:43 PM  
**To:** 'Marais, Nic' <[Nic.Marais@alston.com](mailto:Nic.Marais@alston.com)>  
**Cc:** Barton, Ross <[Ross.Barton@alston.com](mailto:Ross.Barton@alston.com)>; Stevens, Scott <[Scott.Stevens@alston.com](mailto:Scott.Stevens@alston.com)>; Schuman, Brett <[BSchuman@goodwinlaw.com](mailto:BSchuman@goodwinlaw.com)>; 'Ong, Andrew' <[A Ong@goodwinlaw.com](mailto:A Ong@goodwinlaw.com)>; Anthony Bruster <[akbruster@brusterpllc.com](mailto:akbruster@brusterpllc.com)>; 'Ed Chin' <[ed@brusterpllc.com](mailto:ed@brusterpllc.com)>; Rajendra A. Chiplunkar <[RChiplunkar@mcandrews-ip.com](mailto:RChiplunkar@mcandrews-ip.com)>  
**Subject:** RE: TQ Delta, LLC v. CommScope Holding Company, Inc. et al., Civ. No. 2:21-cv-00310-JRG (E.D. Tex.) -Response to Letter re Judgment

Counsel,

Copying the Goodwin team.

Given that you have not responded to my email, please provide your availability to meet and confer regarding the CommScope defendants' failure to make payment on the judgment or secure a supersedeas bond. We intend to seek relief from the Court, including a Writ of Execution. We also intend to request the full amount due as calculated by TQ Delta and consistent with the Court's award of "a reasonable royalty for CommScope's infringement, to be paid in a one-time lump sum" and prejudgment interest "from the date of infringement through the date of entry of [the] Judgment."

We suggest Monday, 3/25, 10am-1pm or any time after 2:30pm CT or Tuesday any time before 2pm CT.

Thanks,  
Pete

  
**McAndrews**  
Peter McAndrews

**Shareholder / Attorney at Law**

McAndrews, Held & Malloy, Ltd.

500 W. Madison St., 34th floor | Chicago, IL 60661

P: 312-775-8000

[pmcandrews@mcandrews-ip.com](mailto:pmcandrews@mcandrews-ip.com)

[bio](#) | [v-card](#) | [website](#)

**CONFIDENTIALITY NOTICE:**

This material is intended for the named recipient and, unless otherwise expressly indicated, is confidential and privileged information. Any dissemination, distribution or copying of this material is prohibited. If you received this message in error, please notify the sender by replying to this message and then deleting it from your system. Your cooperation is appreciated.

---

**From:** Peter McAndrews <[PMcANDREWS@mcandrews-ip.com](mailto:PMcANDREWS@mcandrews-ip.com)>

**Sent:** Friday, March 15, 2024 8:03 PM

**To:** 'Marais, Nic' <[Nic.Marais@alston.com](mailto:Nic.Marais@alston.com)>

**Cc:** Barton, Ross <[Ross.Barton@alston.com](mailto:Ross.Barton@alston.com)>; Stevens, Scott <[Scott.Stevens@alston.com](mailto:Scott.Stevens@alston.com)>; Anthony Bruster <[akbruster@brusterpllc.com](mailto:akbruster@brusterpllc.com)>; 'Ed Chin' <[ed@brusterpllc.com](mailto:ed@brusterpllc.com)>; Rajendra A. Chiplunkar <[RChiplunkar@mcandrews-ip.com](mailto:RChiplunkar@mcandrews-ip.com)>

**Subject:** RE: TQ Delta, LLC v. CommScope Holding Company, Inc. et al., Civ. No. 2:21-cv-00310-JRG (E.D. Tex.) -Response to Letter re Judgment

Counsel,

Regarding your assertions on the calculation of pre-judgment interest, we will respond separately.

Regarding your assertion that a “notice to appeal the final judgment . . ., if filed by either party, would result in a stay of execution of the final judgment,” please clarify whether the Defendants intend to post a supersedeas bond by Monday, March 18, 2024. Of course, as I’m sure you are aware, if the Defendants do not post such a bond, a stay does not result from the filing of a notice of appeal and the judgment is due to be paid to TQ Delta on Monday. *See e.g., Packet Intel. LLC v. NetScout Sys.*, 2023 U.S. Dist. LEXIS 3533, \*11 (E.D. Tex. Jan. 7, 2023) (“Rule 62(b) provides that ‘[a]t any time after judgment is entered, a party may obtain a stay by providing a bond or other security. The stay takes effect when the court approves the bond or other security and remains in effect for the time specified in the bond or other security.’ FED. R. CIV. P. 62(b) (emphasis added). The text of the rule does not provide for a mandatory stay upon posting of a supersedeas bond, but courts, including this one, have recognized that in an initial substantive appeal, ‘[a] party taking an appeal from the district court is entitled to a stay of any money judgment, ‘as a matter of right,’ upon posting a supersedeas bond sufficient to secure the judgment.’ *Mondis Tech. Ltd. v. Chimei Innolux Corp.*, 2012 WL 1554645, at \*8 (E.D. Tex. Apr. 30, 2012).”). If CommScope does post such a bond, which requires the Court’s approval, please let us know the amount of the bond and explain how that amount was calculated to comply with Local Rule CV-62.

Regarding the footnote in your letter, we do not agree with CommScope’s attempt to pass its liability to Vantiva. The final judgment was entered against, *inter alia*, CommScope Holding Company, Inc. and CommScope Inc., who remain jointly and severally liable for the full judgment amount. We do not know enough about the structure of the CommScope/Vantiva deal to know if Vantiva is also jointly and severally liable for the full judgment amount on behalf of one or more of

the other named defendants, but we understand from your position that they may also be liable along with the named CommScope defendants. Please provide any legal authority and relevant facts to support your assertion that CommScope's "liability associated with this case transferred to Vantiva S.A. on January 9, 2024."

We look forward to your response.

Thanks,  
Pete



**Peter McAndrews**  
**Shareholder / Attorney at Law**  
McAndrews, Held & Malloy, Ltd.  
500 W. Madison St., 34th floor | Chicago, IL 60661  
P: 312-775-8000  
[pmcandrews@mcandrews-ip.com](mailto:pmcandrews@mcandrews-ip.com)  
[bio](#) | [v-card](#) | [website](#)

**CONFIDENTIALITY NOTICE:**

This material is intended for the named recipient and, unless otherwise expressly indicated, is confidential and privileged information. Any dissemination, distribution or copying of this material is prohibited. If you received this message in error, please notify the sender by replying to this message and then deleting it from your system. Your cooperation is appreciated.

---

**From:** Marais, Nic <[Nic.Marais@alston.com](mailto:Nic.Marais@alston.com)>

**Sent:** Friday, March 15, 2024 12:52 PM

**To:** Peter McAndrews <[PMCANDREWS@mcandrews-ip.com](mailto:PMCANDREWS@mcandrews-ip.com)>

**Cc:** Barton, Ross <[Ross.Barton@alston.com](mailto:Ross.Barton@alston.com)>; Stevens, Scott <[Scott.Stevens@alston.com](mailto:Scott.Stevens@alston.com)>

**Subject:** TQ Delta, LLC v. CommScope Holding Company, Inc. et al., Civ. No. 2:21-cv-00310-JRG (E.D. Tex.) -Response to Letter re Judgment

**CAUTION: External Email From:** [Nic.Marais@alston.com](mailto:Nic.Marais@alston.com)

Pete,

Please see attached.

Best,  
Nic

Nicholas Marais  
Senior Associate



SENIOR ASSOCIATE

(he/him)

**ALSTON & BIRD**

1120 South Tryon Street, Suite 300

Charlotte, NC 28203-6818

+1 704 444 1283 (O)

+1 949 981 8157 (C)

[Nic.Marais@alston.com](mailto:Nic.Marais@alston.com)

---

NOTICE: This e-mail message and all attachments may contain legally privileged and confidential information intended solely for the use of the addressee. If you are not the intended recipient, you are hereby notified that you may not read, copy, distribute or otherwise use this message or its attachments. If you have received this message in error, please notify the sender by email and delete all copies of the message immediately.

\*\*\*\*\*

This message was sent from Goodwin Procter LLP and is intended only for the designated recipient(s). It may contain confidential or proprietary information and may be subject to the attorney-client privilege or other confidentiality protections. If you are not a designated recipient, you may not review, copy or distribute this message. If you receive this in error, please notify the sender by reply e-mail and delete this message. Thank you.

\*\*\*\*\*